

Gary S. Lincenberg - State Bar No. 123058
glincenberg@birdmarella.com
Ray S. Seilie - State Bar No. 277747
rseilie@birdmarella.com
Michael C. Landman – State Bar No. 343327
mlandman@birdmarella.com
BIRD, MARELLA, BOXER, WOLPERT, NESSIM,
DROOKS, LINCENBERG & RHOW, P.C.
1875 Century Park East, 23rd Floor
Los Angeles, California 90067-2561
Telephone: (310) 201-2100
Facsimile: (310) 201-2110

Attorneys for Defendant
Stephen Keith Chamberlain

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL RICHARD LYNCH AND
STEPHEN KEITH CHAMBERLAIN

Defendants.

CASE NO. 3:18-cr-00577-CRB

**Declaration of Gary S. Lincenberg in
Support of Stephen Chamberlain's Motion
to Compel the Government to Secure the
Trial Attendance of Rob Knight or, in the
Alternative, to Issue a Rule 15 Order as to
Such Witness**

Date: November 1, 2023

Time: 1:30 p.m.

Place: Courtroom 6

Assigned to Hon. Charles R. Brever

DECLARATION OF GARY S. LINCENBERG

I, Gary S. Lincenberg, declare as follows:

1. I am an active member of the Bar of the State of California and a Principal with Bird, Marella, Boxer, Wolpert, Nessim, Dooks, Lincenberg & Rhow PC, attorneys of record for Defendant Stephen Keith Chamberlain in this action. I make this declaration in support of Stephen Chamberlain's Motion to Compel the Government to Secure the Trial Attendance of Rob Knight or, in the Alternative, to Issue a Rule 15 Order as to Such Witness. Except for those matters stated on information and belief, I make this declaration based upon personal knowledge and, if called upon to do so, I could and would so testify.

2. On September 6, 2023, in London, U.K., counsel for Dr. Lynch and I met with Deloitte's counsel who also represents Mr. Knight. During the above referenced meeting, counsel for Dr. Lynch and I requested that Mr. Knight agree to voluntarily testify in the upcoming trial. Counsel for Dr. Lynch and I informed counsel for Deloitte and Mr. Knight of the upcoming trial deadlines and of the need for an affirmative response for the purposes of filing Rule 15 applications.

3. On September 11, 2023, counsel for Dr. Lynch, on behalf of Dr. Lynch and Mr. Chamberlain, followed up with counsel for Deloitte and Mr. Knight, requesting a response by September 15, 2023.

4. Counsel for Dr. Lynch and I sent additional follow up requests on September 18, 21, 22, and 26.

5. To date, counsel for Deloitte and Mr. Knight has not responded to the defendants' request to answer whether Mr. Knight will voluntarily agree to testify in the United States.

6. On September 19, 2023, counsel for Dr. Lynch, on behalf of both defendants, requested that the Government make Mr. Knight available to testify at trial pursuant to its cooperation agreement with Deloitte. That same day, the Government stated its unwillingness to use its cooperation agreement with Deloitte to secure Mr. Knight's appearance at trial.

7. Attached as **Exhibit 1** is a true and correct copy of the Deloitte Cooperation Agreement dated April 28, 2016 which the government produced in this matter under Bates

1 number USAO 00002668.

2 8. Attached as **Exhibit 2** is a true and correct copy of Trial Exhibit 6425 from the
3 *United States v. Hussain* proceeding.

4 9. Attached as **Exhibit 3** is a true and correct copy of excerpts from the Transcript of
5 an Interview of Rob Knight held at the Serious Fraud Office in London, U.K. on October 21,
6 2013.

7 10. Attached as **Exhibit 4** is a true and correct copy of Trial Exhibit 250 from the
8 *United States v. Hussain* proceeding.

9 11. Attached as **Exhibit 5** is a true and correct copy of a document the government
10 produced in this matter under Bates number D003558731. It includes an e-mail from Sushovan
11 Hussain to Stephan Chamberlain dated October 12, 2009 with the Subject “RE: strategic appliance
12 sales,” which was forwarded to Rob Knight and Lee Welham that same day.

13 12. Attached as **Exhibit 6** is a true and correct copy of Trial Exhibit 5781 from the
14 *United States v. Hussain* proceeding.

15 13. Attached as **Exhibit 7** is a true and correct copy of Trial Exhibit 6456 from the
16 *United States v. Hussain* proceeding.

17 14. Attached as **Exhibit 8** is a true and correct copy of Trial Exhibit 531 from the
18 *United States v. Hussain* proceeding.

19 15. Attached as **Exhibit 9** is a true and correct copy of a document the government
20 produced in this matter under Bates number POS00139426. It is an e-mail from Rob Knight to
21 Tom Murray and others dated January 8, 2010 with the Subject “(No subject)”.

22 16. Attached as **Exhibit 10** is a true and correct copy of a document the government
23 produced in this matter under Bates number POS00139807. It is an e-mail from Tom Murray to
24 Rob Knight dated January 12, 2010 with the Subject “RE:”.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct, and that I executed this declaration on September 29, 2023, at Los
3 Angeles, California.

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5 /s/ Gary S. Lincenberg
6 Gary S. Lincenberg
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